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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/936,344 09/24/97 EMBREE

P 080398.P115

LM02/1201  
BLAKELY SOKOLOFF TAYLOR AND ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES CA 90025

EXAMINER

LEE, P

ART UNIT

PAPER NUMBER

2747

DATE MAILED:

12/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/936,344**

Applicant(s)  
**Embree et al**

Examiner  
**Ping Lee**

Group Art Unit  
**2747**

☒ Responsive to communication(s) filed on Sep 7, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Vizireanu et al (5,625,570).

Vizireanu et al, in Figures 1 and 3, discloses a method and system for inserting individualized audio segments into prerecorded video media that is the same method and system having first and second buses 365 for processing real-time audio data from N audio channels (Fig. 3) as specified in claims 1-8 of the present invention, comprising a first processor and a second processor 340 coupled to the first and second buses 365, respectively; two memory banks 310 coupled to the first and second buses 365 for storing the audio data, the two memory banks 310 being accessible to the first and second processors 340, the two memory banks 310 storing two subsets of the audio data (e.g. VCRs in column 1 and column 2 in Fig. 3), respectively, the two subsets corresponding to two different groups of audio channels (Fig. 3); two address multiplexers 350 and two data transceivers 80 coupled the first and second buses 365 to select the memory banks 310 for access by one of the first and second processors 340; wherein one subset

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of the audio data corresponds to even-numbered audio channels (e.g. VCRs in column 2) and one other subset of the audio data corresponds to odd-numbered audio channels (e.g. VCRs in column 1 of Fig. 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vizireanu et al.

Although Vizireanu et al discloses using a RAM within the processing system, it is noted Vizireanu et al differs from the present invention in that it fails to particularly disclose the memory

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banks to include dynamic random access memories as specified in claim 9. However, Examiner takes Official Notice that this feature is notoriously well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to equivalently substitute the memory banks of Vizireanu et al with the well known DRAMs in order to provide a more efficient signal allocating system.

5. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vizireanu et al in view of Schaus et al (5,273,050).

Regarding claims 10-15, Vizireanu fails to show the data are being stored in the memories in the interleaving manner. Schaus teaches that the data to be stored and retrieved in ping-pong operation. Thus, it would have been obvious to one of ordinary skill in the art to modify Vizireanu by using the ping-pong operation as taught in Schaus in order to speed up the data to be processed and stored.

### ***Response to Arguments***

6. Applicant's arguments filed 9/7/99 have been fully considered but they are not persuasive.

Applicant argued on p. 5 that Vizireanu fails to show first and second processors.

As shown in Fig. 3 of Vizireanu, there are four separate processors with one numeral 340. Every 340 is read as the processor. Therefore, Vizireanu does show the processors.

Applicant argued on p. 5 that Vizireanu fails to show that the each memory band is accessible to the first and second processor.

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As shown in Fig. 3 of Vizireanu, each processor (340) is accessible to any VCR (310), which is read as the memory bank. As known to the general public, the function of the VCR is to store data (write) and to retrieve data (read) when being accessed. Upon the control from processor (340), the VCR will perform one of the functions.

Applicant argued on p. 5 that Vizireanu fails to show storing subsets of audio data in second plurality of memory banks by reasoning VCR is not a memory bank.

VCR is device, as known to the general public, storing audio data. Therefore, VCR is read as the claimed memory bank. Since Vizireanu shows two or more VCR in Fig. 3, Vizireanu shows the claimed second plurality of memory banks. VCR is also a device, as known to the general public, to store live video and audio data, therefore, VCR can store and read real-time audio data.

Applicant argued on p. 6 that Vizireanu fails to show the first and second buses because elements 365 in Vizireanu do not couple to elements 340.

As shown in Fig. 3 of Vizireanu, lines 365 are coupled to processors 340. Furthermore, according to dictionary, a bus is a conductor connecting different elements. Since lines 365 in Vizireanu perform this function, therefore, elements 365 are read as the claimed buses.

### ***Conclusion***

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 305-9508 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

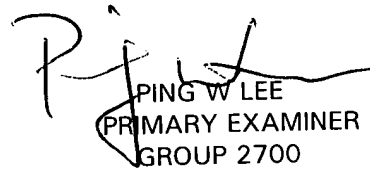
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping W. Lee whose telephone number is (703) 305-4865.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
PING W LEE  
PRIMARY EXAMINER  
GROUP 2700

pwl  
November 28, 1999